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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-first session

Summary record of the 2069th (Chamber B) meeting
Held at the Palais des Nations, Geneva, on Friday, 15 January 2016, at 10 a.m.

Chair: Mr. Mezmur

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined fourth and fifth periodic reports of Peru on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/PER/4-5; CRC/C/PER/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Peru took places at the Committee table.*

2. **Mr. Vásquez Ríos** (Peru), responding to questions raised earlier, said that State expenditure on children's issues had increased at a higher rate than the increase of the general State budget. While the latter had grown by over 160 per cent between 2006 and 2015, State expenditure on children's issues had seen a sevenfold increase over the same period.

3. A regulation had been put in place to protect the environment from the harmful impact of mining by updating environmental legislation from the 1990s. Peru was one of the few countries to have ratified the Minamata Convention on Mercury. The Ministry of the Environment had developed a regulation on soil quality to ensure compliance with international standards, and it had introduced measures obliging the mining industry to seek new technologies that would cause less harm to the environment. Steps had also been taken to dispose of contaminated mining equipment in the northern and southern mountains of Peru.

4. Although the unit for children and adolescents within the Ombudsman's Office was no longer receiving financial support from international partners, it was still operating through funding from the State budget, which was set to increase over the current year.

5. The Ministry of Education had installed filters on the computers that it had provided to children in primary and secondary schools, in order to prevent them from accessing inappropriate Internet content. Training sessions and workshops had also been held to educate children on the appropriate use of the Internet. An education reform process was under way, as a result of which a significant number of teachers had received performance-evaluated promotions and bonuses, there had been a 40 per cent increase in average teaching salaries from 2011 to 2015, and emphasis was being placed on sending teachers to work in rural areas. Moreover, the reform process sought to broaden the coverage of preschool education. Pedagogical support was being offered to primary school teachers through the distribution of model lesson programmes. In addition, a new standard had increased the number of teaching hours per week, a multisectoral programme for the teaching of English had been adopted, and a strategy had been initiated to train teachers in the use of information communication technologies and in intercultural bilingual teaching. Certain high-performing State schools ran accredited International Baccalaureate programmes, allowing the most talented children to maximize their potential. In order to modernize education management systems, teachers were receiving further training, the number of administrative assistants in schools had been increased, and a system had been introduced for monitoring State schools on a monthly basis. The education budget would amount to 4 per cent of Peru's gross domestic product in 2016, in comparison to under 3 per cent in 2011.

6. As of 2014, 98 per cent of minors possessed a national identification card, and a national plan had been developed to reach the remaining 2 per cent. Automated civil registry offices were being set up in local Government offices and health facilities, in addition to online registration services. Existing centres had received increased

support to help reduce errors in manual registration. A school had also been established to train persons in registering and rectifying birth certificates.

7. A law had recently been enacted to prevent, punish and eradicate violence against women. Act No. 30314 on the prevention and punishment of sexual harassment in public spaces had also been introduced. Overcrowding in female prisons was significantly lower than in male prisons. Children up to the age of 3 years were entitled to stay with mothers serving a prison sentence. Agreements had been concluded with universities and the Ministry for Women and Vulnerable Groups to provide educational assistance to such children and to prepare them for the transition to life outside prison. All children staying with their mothers in prison received an identity card, were provided with comprehensive health coverage and were given appropriate food, education and physical exercise.

8. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that he was concerned by the figures published in the Government's budget report, which revealed a decrease in State expenditure on children between 2013 and 2014, and by the possibility of further cuts as a result of the expected slowdown in economic growth. He was also awaiting answers to earlier questions on how the Government was combating sexual exploitation in mining camps, the practice of early marriage, discrimination against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, suicide and the issue of unaccompanied minors.

9. **Ms. Ayoubi Idrissi** said that she would appreciate statistics on the percentage of births of children from indigenous families that were registered. She asked how many children were currently staying with their mothers in prison, and whether Peru was considering the possibility of replacing prison sentences for pregnant women and women with children with alternative forms of punishment such as electronic tagging.

10. **Ms. Khazova** said that she would like to know the name of the recently adopted law prohibiting corporal punishment. Considerable efforts on the part of the Government were still required to eradicate such a deeply entrenched practice, and she wondered whether any programmes were being developed to change the attitudes of Peruvian society in that regard.

11. **Ms. Oviedo Fierro** (Country Task Force) said that she would be grateful for further information about the girls held in the Santa Margarita youth assessment and rehabilitation centre in Lima, and in particular about what happened to children born to such girls. According to her information, their children were taken away from them at the age of 3 years, and she was concerned about the effects on the children. Secondly, she asked how many children were stateless in Peru and whether there were any children with refugee status arriving on Peruvian soil. She was also concerned about the negative stereotypes on television of Afro-Peruvians and indigenous Peruvians. In particular, since indigenous languages were not used in the media, she asked how indigenous communities could obtain the information they needed. Lastly, she wished to know how the Government combated teenage pregnancies and whether comprehensive services for children were provided.

12. **Mr. Nelson** asked, in view of the problem of prison overcrowding, whether judges, lawyers and police officers were given training in alternatives to imprisonment. Secondly, he asked how many juvenile courts existed in the province of Lima and in the rest of Peru and whether such courts were staffed by trained judicial officers.

13. **Ms. Winter** said that, 10 years earlier, the Peruvian delegation had assured the Committee that a pilot project on alternatives to imprisonment, particularly restorative justice, in San Agustin would be rolled out in the rest of the country. That had not occurred and she wished to know why.

14. **Mr. Kotrane** said that the State party had seemingly not adopted the Committee's earlier recommendations or followed the principles set out in general comment No. 10 concerning children's rights in juvenile justice. It was essential that a child should not be remanded for over 24 hours or held in pretrial detention for more than 6 months at the very most.

15. **Ms. Santiago Bailetti** (Peru) said that the Act on the protection of minors involved in begging had not been rescinded, but the Government's approach to the problem had changed: a human rights-based programme for street children had been set up in 24 towns, with support from the United Nations Children's Fund (UNICEF). Educators had been appointed, the programme included recreational or sporting activities, and 56 per cent of street children now lived with their families. Moreover, it identified the adults who exploited children, and lawyers were made available to defend them and guide them to the appropriate mechanisms.

16. With regard to discrimination against women and children, especially indigenous women and children, the Government had made considerable efforts to bring services to remote areas. In the Amazon region, with help from the army and navy, education and health services were provided and, in cooperation with local authorities, action was taken to protect women and children from violence. A specific budget was allocated for that purpose. A multisectoral commission had been set up under the Rural Girls' Education Act, No. 27558. Indigenous communities also benefited from the Beca 18 national scholarship programme, which helped poor people obtain education.

17. The minimum age of marriage was 18, or in exceptional cases 17, years. In the latter case, however, a special permit must be applied for and parents must give their consent. Moreover, it was a requirement that the authorities were informed.

18. Domestic violence was a major problem, so the National Programme to Combat Domestic and Sexual Violence contained specific intervention and prevention strategies. The problem also affected the LGBTI community. If their rights were violated, they could complain to the police, the Ombudsman's offices for children and adolescents or the public prosecution service. A dedicated complaints line had been set up. Moreover, provisions had been adopted under Act No. 30364 to carry out risk assessment of vulnerable sectors of the population, including LGBTI people. Guidelines on violence against LGBTI people were in the process of being approved.

19. There were three residential care centres for children and adolescents who had been trafficked, in Lima, Callao and Madre de Dios region. Following immediate intervention by trained multidisciplinary teams, comprehensive protection was provided for such children. There were also five courts specializing in hearing trafficking cases. There were 265 support centres for women and girls subjected to sexual exploitation, and efforts were being made to improve the design of public policies on the basis of an evaluation carried out between 2002 and 2010. The law now required that an evaluation should be carried out every two years, in the interests of efficiency and sustainability.

20. With regard to the participation of children in decisions that affected them, she said that the Advisory Council of Children and Adolescents had been set up following intensive consultations, and 107 regional councils had since been opened. The law now provided that the national Advisory Council must have a child representative from each of the country's regions. Where legislation directly affecting children was proposed, the President of the Council of Ministers was consulted. Lastly, she wished to pay tribute to the great efforts made by children and adolescents to bring in the law against corporal punishment that had recently been adopted. The first draft had been prepared by the Advisory Council.

21. **Mr. Cardona Llorens** said that the Committee was concerned at the high number of children still involved in begging. He also expressed concern about the many reports received regarding mistreatment of street children by the police, and he wished to know whether any training was given to counteract such mistreatment. He asked whether there was sufficient respect for bilingualism, given the need to encourage indigenous children. As for the question of early marriage, the Committee's concern related to the informal or illegal marriages that were performed within indigenous communities.

22. **Ms. Ayoubi Idrissi** noted that, although there had been no rise in the crime rate, the severity of punishment for criminal offences had increased, and she wondered why that was so.

23. **Ms. Suárez Salazar** (Peru) said that, according to World Health Organization and Ministry of Health figures, the suicide rate had been declining, but it remained a problem. For that reason, two programmes had been set up in schools, one to promote healthy coexistence and the other relating to mental health. Over 70 health-care professionals had been trained to assess possible suicides and to diagnose and treat emotional problems that might lead to suicide; 100,000 children had already been through the programme. In 2009, there had been 812 cases of attempted suicide and in 2014 there had been 957, but in 2015 the number had fallen to 855.

24. According to the National Institute for Statistics and Information Technology, there had been some 1.6 million persons with disabilities in Peru in 2012. In 2015, the Ministry of Health had adopted regulations on the certification of persons with disabilities, in the interests of improving care services. A record was kept of all children with disabilities and a register was maintained online. The Ministry of Development and Social Inclusion operated cross-cutting programmes to emphasize that children with disabilities were to be treated inclusively. Such children could, for example, participate in the Juntos ("Together") programme, which provided support for children with severe disabilities. All children thought to be at risk were screened.

25. Health-care providers administered 15 vaccines against 23 different diseases at an annual cost of over 200 million nuevos soles. According to figures provided by the National Institute for Statistics and Information Technology, in the first half of 2015 around 68 per cent of children under 36 months of age had received all scheduled immunizations, compared to 61 per cent during the same period in 2014. Progress had been made in both urban and rural areas. The decrease in immunization coverage in 2014 had been caused by a five-month health workers' strike that had affected the accessibility of medical services. The Government had responded by formulating a plan to restore previous coverage levels, including through the strengthening of vaccine supply chains.

26. In January 2015, the Government had adopted Act No. 30287 on tuberculosis prevention and control, the aim of which was to centralize services under the Ministry of Health. It had also set up a management information system, organized prevention courses and workshops, and drawn up an emergency plan for Metropolitan Lima and Callao. All tuberculosis patients had comprehensive health insurance, and the prevalence of the disease had fallen by 13 per cent between 2011 and 2015, thanks in part to increased screening.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

27. **Ms. Suárez Salazar** (Peru) said that, as part of a policy of inclusive education, the Government had established special basic education centres staffed by multidisciplinary teams. Between 2011 and 2015, the number of children enrolled in the centres had risen from 18,298 to 18,906.

28. To combat substance abuse in schools, a multisectoral approach had been adopted on the basis of a cooperation agreement between the ministries of education and of health and the National Commission for Development and Life without Drugs. The Government had launched 190 comprehensive addiction support modules and had implemented a plan for prevention, early detection and timely referral in cases of drug use in education institutions. As a result of the plan, there had been a significant increase since 2009 in the number of children receiving care in community mental health clinics.

29. The Ministry of Health had conducted awareness-raising and provided guidance and screening to the groups most at risk of contracting HIV through sexual intercourse. It had also taken steps to prevent mother-to-child transmission of the virus by increasing the availability of formula milk and giving women access to regular screening and antiretroviral therapy during pregnancy. Between 2010 and 2015, the rate of mother-to-child transmission of HIV had fallen from 6.9 to 4.1 per cent.

30. The proportion of children aged under 5 years who were suffering from chronic malnutrition had been reduced from 19.5 per cent in 2011 to 14.2 per cent in 2015. The prevalence of anaemia in children aged under 3 years had also decreased considerably in recent years, particularly in rural areas. Efforts had been focused on expanding the distribution of multiple micronutrient supplements, which were stocked by 99 per cent of primary health-care facilities in the most disadvantaged areas.

31. Since 2006 a total of 729 human milk banks had been created, and a multisectoral commission had been set up to monitor compliance with the law requiring the installation of such facilities in public and private institutions that employed at least 20 women of childbearing age. In response to a decline in breastfeeding among working women with a medium to high level of education, breastfeeding weeks had been organized and institutions had been certified as baby-friendly in return for promoting and facilitating the practice.

32. The Ministry of Health had developed a programme to reduce the exposure of children to heavy metals and chemical substances. By July 2015, 191 of the most vulnerable families had attended educational classes on healthy eating, personal hygiene and the importance of consuming safe drinking water. Screening and treatment was offered to children suffering from heavy metal poisoning, and a budget had been set aside for the provision of services in that regard. Health campaigns had been conducted in mining areas, including in the region of Pasco, and protocols were in place for the treatment of arsenic, cadmium and lead poisoning.

33. Information on birth control and reproductive health was included in school curricula, and a bill had been submitted to Congress to amend the General Health Act to enable minors aged 14 years and over to access information and contraception without consent from a parent or guardian. According to official figures, 25,302 adolescent mothers had been using contraception in October 2015.

34. **Ms. Oviedo Fierro** said that she would appreciate answers to the questions she had raised earlier concerning local and regional implementation of public policy plans, consultations with children and adolescents, bullfighting, and sexual abuse by priests.

35. **Mr. Vásquez Ríos** (Peru) said that there had been an almost sevenfold increase in public spending on children and adolescents over the previous decade and that there was a political will to continue treating minors as a priority. With that in mind, Congress had passed Act No. 30362, pursuant to which the allocation of public resources to the implementation of the National Action Plan for Children and Adolescents had been declared as being of national interest.

36. The police unit tasked with investigating offences related to the sexual exploitation of minors organized prevention activities, including school information sessions to provide guidelines on the responsible use of social networks. Between January and May 2015, the unit had received 64 complaints of sexual offences against 57 minors, of whom 40 per cent had been aged 10 to 12 years and 60 per cent had been aged 13 to 17 years. In Peru, the term child prostitution was deemed inappropriate, given the victims' lack of mental and physical maturity. Instead, the crime was referred to as a form of sexual exploitation of children and adolescents.

37. In response to Ms. Ayoubi Idrissi, he said that the birth registration rate stood at 98 per cent. All registered children were entitled to full health coverage and had access to State education. Currently, 199 children under the age of 3 years were living with their mothers in penitentiary facilities. The Government was taking measures to introduce alternative forms of sentencing for women with young children, such as the use of electronic tagging, and was investigating working conditions in companies that were participating in a work furlough programme for prison inmates. Children of teenage mothers held in the Santa Margarita youth assessment and rehabilitation centre received the same support as those whose mothers were detained in adult prisons. Legislative Decree 1204 set out alternative sentencing for minors, such as supervision orders, community service, financial penalties and orders to attend counselling sessions. There were 145 specialized family courts in Peru and 209 courts that dealt with a variety of issues including family and youth matters. A large number of training programmes had been developed for judges who worked on cases involving minors and, between 2013 and 2015, 194 public defenders had received training on issues relating to restorative juvenile justice.

38. The primary education completion rate stood at 95 per cent, thanks to State efforts and the value placed on education by families. Act No. 30403 prohibited the use of corporal punishment and humiliating treatment of children and adolescents. Furthermore, Act No. 30364 for the prevention, punishment and eradication of violence against women and members of the family unit had been enacted in late 2015 and a process initiated for its implementation. The case relating to the Catholic group Sodalitium Christianae Vitae was being investigated by the Attorney General's Office and was extensively covered in the media. Measures were being taken to facilitate the reporting of such offences to the authorities.

Initial report of Peru on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/PER/1; CRC/C/OPAC/PER/Q/1 and Add.1)

39. **Mr. Cardona Llorens** (Country Rapporteur) said that he would appreciate information on which body was in charge of coordinating the implementation of the Optional Protocol, what resources were assigned to it, whether targeted measures were taken to disseminate the instrument among children and the general public, whether any public officials other than members of the armed forces received training on the Protocol and whether there was a mechanism in place to gather relevant data.

40. He wished to know whether the recruitment of children by non-State armed groups and private security companies was criminalized in Peru and asked the State party to clarify the scope of article 88 of Decree-Law No. 1094 in relation to the use of children in hostilities. Was that article only applied in states of emergency and had it been deemed unconstitutional? He requested information on the follow-up given to numerous public complaints relating to the recruitment of minors by the armed forces and asked whether measures had been taken to counter the recruitment of children by non-State actors in dangerous areas of the country. How many cases relating to recruitment by the armed forces and non-State actors had been prosecuted?

41. Lastly, he asked whether the Optional Protocol could be applied extraterritorially, whether the crimes thereunder constituted grounds for extradition and whether the requirement of double jeopardy applied in extradition cases.

42. **Ms. Parsi** (Country Rapporteur) said that she wished to know how the State party had strengthened the age verification process for recruitment into the armed forces. Had the Ministry for Women and Vulnerable Groups developed a plan to ensure the rescue and rehabilitation of children used in hostilities, and was there any way of gathering data relating to that issue? She asked what relevant measures were being taken under the National Plan of Action for Children and Adolescents 2012-2021, whether many children recruited for use in armed conflict had been rescued and how those children were subsequently reintegrated in society. She wondered whether the State party intended to modify, in its criminal legislation, the very vague definition of terrorism, which was often applied to civil demonstrations by human rights defenders. Expressing concern that the sexual abuse of girls during armed conflict was often not reported, she asked whether such cases were being investigated and whether the children affected would be compensated. Noting that rape was currently the only form of sexual violence for which reparations were awarded, she wished to know whether there were plans to amend legislation to extend that provision to all forms of sexual violence.

Initial report of Peru on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/PER/1; CRC/C/OPSC/PER/Q/1 and Add.1)

43. **Ms. Oviedo Fierro** (Country Rapporteur) said that the State party should explain the delay in the submission of its initial report on the Optional Protocol and indicate what relevant measures had been taken under the country's various national plans since 2012. She asked whether the National Plan of Action to Combat Trafficking in Persons 2011-2016 was allocated sufficient funding by the Government, and whether the technical secretariat in charge of managing the plan was given adequate resources to fulfil its mandate. She also wished to know whether the institutions working with the secretariat were allocated earmarked funding to fight trafficking.

44. She requested updated information on the Gesell chambers, or single interview rooms, for child victims of abuse and asked how the State party could ensure that all courts were equipped with such rooms. She asked which body coordinated children's rescue operations and whether all the institutions working in that area operated in a unified manner according to established protocols. Noting that most of the State party's plans seemed to focus on trafficking, she asked whether other issues under the Protocol were also being addressed. Expressing concern about the large number of bodies that ensured coordination between civil society and the State with regard to trafficking-related issues, she asked whether they were all officially approved and granted equal authority. She wished to know whether victim support measures were implemented on a universal basis, and whether staff working with victims were specialized in dealing with children. She also requested more information on homes for child victims of sexual exploitation and the victim protection programme.

45. She wondered whether schoolchildren were properly informed about the offences covered by the Optional Protocol, requested more information on the research carried out into the profile of a child trafficker, and asked whether the reporting and statistics system for trafficking in persons and related offences covered offences under the Optional Protocol other than trafficking. Lastly she wished to know whether tourism firms were obliged to comply with a State-approved code of ethics and, if so, whether any persons had been prosecuted for breach of that code.

46. **Ms. Parsi** (Country Rapporteur) said that she would appreciate information on whether the State party intended to implement strategies to prevent child sexual exploitation in mining communities, and how it was working to combat the corruption that allowed for impunity among perpetrators of organized crime. She asked whether there were plans to adopt a results-based strategy for the implementation of the National Plan of Action to Combat Trafficking in Persons or any programmes to prevent sex tourism in Lima, Iquitos, Cuzco and Madre de Dios. She also asked whether child trafficking victims were provided with free legal and technical assistance, whether there were plans to strengthen the victim protection system, and what penalties were imposed on judges who accepted bribes from accused child traffickers.

47. **Mr. Kotrane** said that he was concerned about the fact that the sale of children fell under the crime of trafficking in Peruvian law, rather than constituting a separate offence, and requested clarification as to whether the submission of a child to forced labour or the illegal facilitation of adoption constituted the sale of a child. He asked whether private companies were prosecuted when accused of an offence under the Optional Protocol. Lastly, he wished to know whether the double jeopardy requirement would be removed from Peruvian legislation with regard to extraterritorial competence and extradition under the Optional Protocol.

The meeting rose at 1 p.m.